

RESOLUTION

INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973 (2017 EDITION), RELATING TO THE HONOLULU POLICE COMMISSION.

WHEREAS, Section 6-1605 of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) ("Charter"), establishes a seven-member Police Commission ("Commission") of the City and County of Honolulu ("City"); and

WHEREAS, in accordance with Charter Section 13-103(b), all members of the Commission are appointed by the Mayor and confirmed by the Council; and

WHEREAS, Charter Section 6-1603.1 authorizes the Commission to appoint the Honolulu Chief of Police ("Police Chief") to serve at the pleasure of the Commission for a term of five years; provided that the Commission may remove or suspend the Police Chief at any time prior to the expiration of the five-year term; and

WHEREAS, Charter Section 6-1603.2 provides that prior to the expiration of a term to which the Police Chief is appointed, the Police Chief may be removed or suspended by the Commission for any reason; and

WHEREAS, Charter Section 6-1606 sets forth the powers, duties, and functions of the Commission; and

WHEREAS, the Council believes that a reorganization of the composition of the Commission that includes some Council appointees and some Mayoral appointees is in the best interest of the public because it will provide the Commission with a broader perspective in its selection of a new Police Chief going forward, and in carrying out the Commission's other Charter prescribed duties and functions; and

WHEREAS, the Council also believes that having Council appointees on the Commission will better ensure that responses to inquiries from Councilmembers to the Commission are adequately addressed in a timely manner; and

WHEREAS, the Council further believes that having a Commission member, who has held a rank of captain or above in the Honolulu Police Department, will provide the Commission with valuable insight into the day-to-day operations of the Honolulu Police Department and will ensure that the Commission is able to adequately address the various needs of the Honolulu Police Department; and



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WHEREAS, pursuant to Charter Section 15-102, the Mayor's approval is required for any Charter amendment proposed by the Council at a general election (such as the 2018 general election) immediately following a general election at which a Charter Commission has submitted or could have submitted its own proposals; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu:

1. That the following question be placed on the 2018 general election ballot:

"Shall the Revised City Charter be amended to change the composition of the Police Commission to be as follows:

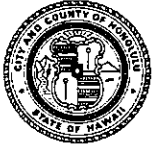
1. Three members that are appointed by the Mayor;
2. Three members that are appointed by the Council; and
3. One member, who must have held a rank of captain or above in the Honolulu Police Department and is now retired, that is appointed by a majority vote of the other six members within 60 days of a vacancy occurring; provided that if the other six members fail to appoint such member by majority vote within 60 days of a vacancy occurring:
 - (a) The Council shall make the appointment within 90 days of the vacancy occurring; and
 - (b) If the Council fails to make the appointment pursuant to item (a), above, the Mayor shall make the appointment within 120 days of the vacancy occurring?"

2. That Section 6-1605 of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) be amended to read as follows:

"Section 6-1605. Police Commission –

1. There shall be a police commission which shall consist of seven appointed members[-] as follows:

- (a) Three members appointed by the mayor;
- (b) Three members appointed by the council; and



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(c) One member, who must have held a rank of captain or above in the Honolulu Police Department and is now retired, appointed by a majority vote of the other six members within 60 days of a vacancy occurring; provided that if the other six members fail to appoint such member by majority vote within 60 days of a vacancy occurring;

(1) The council shall make the appointment within 90 days of the vacancy occurring; and

(2) If the council fails to make the appointment pursuant to paragraph (1), above, the mayor shall make the appointment within 120 days of the vacancy occurring.

2. The commission may appoint such staff and engage consultants as is necessary to assist it in the performance of its duties.

3. The commission shall be governed by ~~[the provisions of]~~ Section 13-103 ~~[of this charter.];~~ provided that Section 13-103.1(b) and (e) shall not apply to the commission."

3. That Article XVI of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) is amended by adding a new section to be appropriately designated by the Revisor of the Charter and to read as follows:

"Section 16- . Police Commission Transition Provisions –

1. For the purpose of this section:

"Compliance with this Charter amendment" means having on the police commission at least:

(a) Three members appointed by the mayor; and

(b) Three members appointed by the council.

"Council appointees" means members of the police commission who are appointed by the council.

"Effective date" means the effective date of this Charter amendment.



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"Mayoral appointees" means members of the police commission who are appointed by the mayor without confirmation by the council.

2. This Charter amendment shall not affect the term of any member of the police commission who is serving on the effective date. Unless vacating office sooner, each such member shall continue in service on the commission until the expiration of the member's term.

3. The mayor and council shall alternate appointing members to the commission as vacancies become available until such time that the numbers of mayoral and council appointees are in compliance with this Charter amendment. The first vacancy shall be filled by a _____ appointment. Once the numbers of mayoral and council appointees are in compliance with this Charter amendment, the seventh member shall be appointed pursuant to Section 6-1605.1(c). If any commission appointee vacates the office, the vacancy shall be filled in the same manner as that of the vacating appointee."

4. That in Sections 2 and 3, Charter material to be repealed is bracketed and stricken and new Charter material is underscored. When revising, compiling, or printing these Charter provisions for inclusion in the Revised Charter of the City and County of Honolulu 1973, the Revisor of the Charter need not include the brackets, the material that has been bracketed and stricken, or the underscoring.
5. That if these Charter provisions are amended by any other Charter amendment approved by the electors in the 2018 general election, the Revisor of the Charter, in revising, compiling, or printing the Charter:
 - a. May designate or redesignate articles, chapters, sections, or parts of sections, and rearrange references thereto; and
 - b. Shall, except as otherwise expressly provided in this resolution or in the other resolution(s) amending these Charter provisions, give effect, to the extent possible, to all of the amendments approved.

The Revisor of the Charter may also change capitalization or the forms of numbers and monetary sums for the sake of uniformity.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 17-308

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6. That upon adoption of this resolution by the Council and approval by the Mayor, the City Clerk be and is hereby directed:
 - a. To prepare the necessary ballots with the question contained in this resolution and with spaces for "yes" and "no" votes on the question for presentation to the electors at the 2018 general election. The City Clerk may make technical and nonsubstantive changes to the form of the question presented in order to conform it to the form of other Charter amendment questions presented to the electors at the same election; and
 - b. To publish the above-proposed Charter amendments at length in a daily newspaper of general circulation in the City and County of Honolulu at least 45 days prior to their submission to the electors at the 2018 general election.



CITY COUNCIL
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7. That upon approval of the Charter amendment question posed in this resolution by a majority of the electors voting thereon, as duly certified, the Charter amendments proposed in this resolution shall take effect on January 1, 2019.

INTRODUCED BY:



DATE OF INTRODUCTION:

OCT 27 2017

Honolulu, Hawaii

Councilmembers

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu